

CS FOR HOUSE BILL NO. 337(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/8/94
Referred: Rules

Sponsor(s): REPRESENTATIVES NORDLUND, Porter, Finkelstein, Martin, Brown, Ulmer, Brice, Hudson, Menard, Sitton, Navarre, Davies, Phillips, B.Davis, Green, Nicholla, G.Davis, Toohey

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the possession of controlled substances within 500 feet of**
2 **recreation and youth centers; and permitting municipalities to install 'drug-free**
3 **recreation and youth center zone' signs."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1. AS 11.71.030(a) is amended to read:**

6 **(a) Except as authorized in AS 17.30, a person commits the crime of**
7 **misconduct involving a controlled substance in the third degree if the person**

8 **(1) manufactures or delivers any amount of a schedule IIA or IIIA**
9 **controlled substance or possesses any amount of a schedule IIA or IIIA controlled**
10 **substance with intent to manufacture or deliver;**

11 **(2) delivers any amount of a schedule IVA, VA, or VIA controlled**
12 **substance to a person under 19 years of age who is at least three years younger than**
13 **the person delivering the substance; or**

14 **(3) possesses any amount of a schedule IA or IIA controlled substance**

1 (A) with reckless disregard that the possession occurs
2 (i) on or within 500 feet of school grounds; or
3 (ii) at or within 500 feet of a recreation or youth
4 center; or

5 (B) on a school bus.

6 * Sec. 2. AS 11.71.030(b) is amended to read:

7 (b) It is an affirmative defense to a prosecution under (a)(3)(A) of this section
8 that the prohibited conduct took place entirely within a private residence located within
9 500 feet of the school grounds or recreation or youth center, and that the prohibited
10 conduct did not involve distributing, dispensing, or possessing with the intent to
11 distribute or dispense a controlled substance for profit. Nothing in this subsection
12 precludes a prosecution under any other provision of this section or any other section
13 of this chapter.

14 * Sec. 3. AS 11.71.040(a) is amended to read:

15 (a) Except as authorized in AS 17.30, a person commits the crime of
16 misconduct involving a controlled substance in the fourth degree if the person

17 (1) manufactures or delivers any amount of a schedule IVA or VA
18 controlled substance or possesses any amount of a schedule IVA or VA controlled
19 substance with intent to manufacture or deliver;

20 (2) manufactures or delivers, or possesses with the intent to
21 manufacture or deliver, one or more preparations, compounds, mixtures, or substances
22 of an aggregate weight of one ounce or more containing a schedule VIA controlled
23 substance;

24 (3) possesses

25 (A) any amount of a schedule IA or IIA controlled substance;

26 (B) 25 or more tablets, ampules, or syrettes containing a
27 schedule IIIA or IVA controlled substance;

28 (C) one or more preparations, compounds, mixtures, or
29 substances of an aggregate weight of three grams or more containing a
30 schedule IIIA or IVA controlled substance;

31 (D) 50 or more tablets, ampules, or syrettes containing a

1 schedule VA controlled substance;

2 (E) one or more preparations, compounds, mixtures, or
3 substances of an aggregate weight of six grams or more containing a schedule
4 VA controlled substance; or

5 (F) one or more preparations, compounds, mixtures, or
6 substances of an aggregate weight of one pound or more containing a schedule
7 VIA controlled substance;

8 (4) possesses a schedule IIIA, IVA, VA, or VIA controlled substance
9 (A) with reckless disregard that the possession occurs
10 (i) on or within 500 feet of school grounds; or
11 (ii) at or within 500 feet of a recreation or youth
12 center; or

13 (B) on a school bus;

14 (5) knowingly keeps or maintains any store, shop, warehouse, dwelling,
15 building, vehicle, boat, aircraft, or other structure or place which is used for keeping
16 or distributing controlled substances in violation of a felony offense under this chapter
17 or AS 17.30;

18 (6) makes, delivers, or possesses a punch, die, plate, stone, or other
19 thing which prints, imprints, or reproduces a trademark, trade name, or other
20 identifying mark, imprint, or device of another or any likeness of any of these upon
21 a drug, drug container, or labeling so as to render the drug a counterfeit substance;

22 (7) knowingly uses in the course of the manufacture or distribution of
23 a controlled substance a registration number which is fictitious, revoked, suspended,
24 or issued to another person;

25 (8) knowingly furnishes false or fraudulent information in or omits
26 material information from any application, report, record, or other document required
27 to be kept or filed under AS 17.30;

28 (9) obtains possession of a controlled substance by misrepresentation,
29 fraud, forgery, deception or subterfuge; or

30 (10) affixes a false or forged label to a package or other container
31 containing any controlled substance.

1 * Sec. 4. AS 11.71.040(b) is amended to read:

2 (b) It is an affirmative defense to a prosecution under (a)(4)(A) of this section
3 that the prohibited conduct took place entirely within a private residence located within
4 500 feet of the school grounds or recreation or youth center. Nothing in this
5 subsection precludes a prosecution under any other provision of this section or any
6 other section of this chapter.

7 * Sec. 5. AS 11.71.900 is amended by adding a new paragraph to read:

8 (30) "recreation or youth center" means a building, structure, athletic
9 playing field, or playground run or created by a municipality or the state to provide
10 athletic, recreational, or leisure activities for minors.

11 * Sec. 6. AS 28.01.010(d) is amended to read:

12 (d) A municipality shall erect necessary official traffic control devices on
13 streets and highways within its jurisdiction that as far as practicable conform to the
14 current edition of the Alaska Traffic Manual prepared by the Department of
15 Transportation and Public Facilities. The municipality

16 (1) shall post a sign indicating that the school is a "drug-free school
17 zone" at each location in which it has installed a sign identifying the location of a
18 school;

19 (2) may post a sign prominently at each recreation and youth
20 center indicating that the center is a "drug-free recreation and youth center
21 zone"; in this paragraph, "recreation or youth center" has the meaning given in
22 AS 11.71.900.